



**TOWN OF GRAFTON**  
GRAFTON MEMORIAL MUNICIPAL CENTER  
30 PROVIDENCE ROAD

GRAFTON, MASSACHUSETTS 01519  
(508) 839-5335 ext 1100 • FAX (508) 839-4602  
[www.grafton-ma.gov](http://www.grafton-ma.gov)

**BOARD OF SELECTMEN**  
**MEETING AGENDA**  
January 30, 2018  
Municipal Center, Conference Room A  
7:00 p.m.

RECEIVED TOWN CLERK  
GRAFTON, MA  
2018 JAN 25 AM 11:19

11

**CALL TO ORDER**

**ANNOUNCEMENTS**

**PUBLIC COMMENTS**

**1. SCHEDULE**

- a) Joint meeting with Finance Committee, Planning Board and Town Moderator on Special Town Meeting preparation/logistics

**ADJOURN**

Ray: *\*per the bylaw- please remember to read results of each vote*

**RAY:**

*Welcome to the February 2018 Special Town Meeting. As you know, local government is most successful when we have a diverse body of volunteers sitting on various boards and committees. We still have several vacancies on several different board and committees in town.*

*\*SEE SCREEN FOR LIST*

*If you are interested in volunteering for a position on one of these boards, please fill out the form made available by the Clerk's Office when you came in, or go online to the portal, shown on the screen, and submit your application online. If you ever have questions about openings on boards, the role of the various committees, or any other questions related to the Town, don't ever hesitate to contact the Municipal Center.*

### **SPINNEY ARTICLE 1. LOCAL OPTION RECREATIONAL MARIJUANA EXCISE TAX**

I move that the Town vote to accept Mass. General Law chapter 64N, section 3, as may be from time to time amended, and thereby impose a local sales tax **of 3%** upon the sale of recreational marijuana originating by a vendor within the Town; the tax will be upon the gross receipts of the vendor from the sale of recreational marijuana, to include, without limitation, all marijuana products and marijuana edibles; said excise to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of Town Meeting.

### **SCULLY ARTICLE 2. ADOPTION OF MEDICAL MARIJUANA AND MARIJUANA ESTABLISHMENTS BYLAW**

I move that the Town vote to amend Section 5 of the Zoning Bylaw as it is printed in the February 2018 Town Meeting Warrant but with the following two changes and additional provision:

- The definition of "Recreational Marijuana Retailer (RMR)" printed in the Warrant is amended by striking the word "Recreational" and the letter "R" so it reads "Marijuana Retailer (MR);"
- The term "RMR" is replaced with the term "MR" wherever that term is found in the bylaw as printed in the Warrant; and
- A new Section, 5.10.12, is added to the end of the bylaw as printed in the Warrant, to read as follows:

**5.10.12.** Upon the adoption by Town Meeting and approval of this By-law by the Attorney General's Office, Article 5.11. Entitled "Temporary Moratorium on Recreational Marijuana Establishments" shall effectively be repealed and considered deleted from the Town of Grafton Zoning By-laws.

### **SCULLY ARTICLE 3. TO ALLOW MARIJUANA ESTABLISHMENTS IN OFFICE LIGHT INDUSTRIAL (OLI) AND INDUSTRIAL (I) ZONING DISTRICTS BY SPECIAL PERMIT**

I move that the Town vote to amend ZBL Section 3.2.3.1, the Use Regulation Table of the Zoning Bylaws, as printed in the February 2018 Town Meeting Warrant.

**SCULLY ARTICLE 4. TO PERMIT MARIJUANA RETAILERS WITHIN COMMUNITY BUSINESS (CB) DISTRICTS BY SPECIAL PERMIT**

I move that the Town vote to amend ZBL Section 3.2.3.1, the Use Regulation Table of the Zoning Bylaws, to permit Marijuana Retailers as a special permit use as indicated by "S" within the Community Business (CB) Districts.

**SCULLY ARTICLE 5. TO PERMIT MARIJUANA RETAILERS WITHIN NEIGHBORHOOD BUSINESS (NB) DISTRICTS BY SPECIAL PERMIT**

I move that the Town vote to amend ZBL Section 3.2.3.1, the Use Regulation Table of the Zoning Bylaws, to permit Marijuana Retailers as a special permit use as indicated by "S" within the Neighborhood Business (NB) Districts.

**SCULLY ARTICLE 6. TO PERMIT MARIJUANA RETAILERS WITHIN VILLAGE MIXED USE BUSINESS (VMU) ZONING DISTRICTS BY SPECIAL PERMIT**

I move that the Town vote to amend ZBL Section 3.2.3.1, the Use Regulation Table of the Zoning Bylaws, to permit Marijuana Retailers as a special permit use as indicated by "S" within the Village Mixed Use (VMU) Districts.

**SPINNEY ARTICLE 7. AMEND THE GENERAL BYLAWS TO LIMIT THE NUMBER OF RECREATIONAL MARIJUANA RETAIL ESTABLISHMENTS**

I move that the Town vote to amend the General Bylaws by adding Article 39, as printed in the February 2018 Town Meeting Warrant.



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## **PLANNING BOARD**

**PLANNING BOARD REPORTS  
FOR SPECIAL TOWN MEETING  
FEBRUARY 12, 2018  
WARRANT ARTICLES**

The following information pertains to the Planning Board's report on Articles 2 through 6. For any questions or information, contact the Planning Department at (508) 839-5335 ext. 1120.

**Planning Board Report for Article 2: ZBL-2018-1  
Adoption of Medical Marijuana and Marijuana Establishments Bylaw**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendment to Section 5, entitled "Special Regulations," by adding a new Section 5.10, entitled "Medical Marijuana and Marijuana Establishments." Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger.

The purpose of this article is to establish a bylaw that regulates marijuana establishments, through incorporating previously approved provisions regulating medical marijuana, establish application submission criteria; establish buffers from uses including (but not limited to) schools, day care establishments, parks, playgrounds, libraries, and higher education establishments; establish findings required for issuing permit and other approvals; establish definitions for terms related to medical marijuana and marijuana establishments; establish use regulations including but not limited to hours of operation; and establish other requirements, including but not limited to location, physical requirements, transfer/ discontinuance of use, etc. The bylaw permits marijuana establishments through the issuance of a special permit which allows for the Board to take into consideration impacts to adjacent properties and the neighborhood and ability to condition approval.

Mr. Laydon stated in his presentation that work began on the bylaw in the fall of 2017 after a joint meeting with the Board of Selectmen who met with Margaret Hurley, from the Attorney Generals Office Municipal Law Unit who stated the legality of a temporary moratorium, such as that adopted by the Town, could be challenged. It was recommended to develop a bylaw in advance of the State Cannibals Control Commission issuance of licenses on April 1, 2018.

Joseph Laydon, Town Planner stated that the bylaw has been reviewed by the Municipal Law Unit out of the Attorney General's Office and no issues were found in the proposed bylaw. He also stated that he worked with Town that Town Counsel recommended inserting language repealing the Temporary Moratorium on Recreational Marijuana upon Town Meeting adoption and approval by the Attorney General's Office.

Dennis Perron, 149 Millbury Street questioned whether the definition and use table should utilize the same terminology for recreational marijuana retailers. Mr. Laydon stated he would review the bylaw to address consistency. Mr. Perron noted the acronym OMMD is not identified in the use table but is included as a definition. Mr. Laydon stated OMMD (Offsite Medical Marijuana Dispensary) was previously added to the Use Table by Town Meeting in 2015. The definition for OMMD is in the proposed article because previous provisions of the bylaw regarding medical marijuana provisions are being incorporated into a single bylaw that unifies medial and recreational marijuana land use regulations.

On January 30, 2018, the Board met to deliberate on the draft Planning Board Report. Mr. Laydon stated he reviewed the proposed article with Town Counsel and the following amendments are recommended:

1. Amend definition for "Recreational Marijuana Retailer (RMR)" by striking the word "Recreational" and the letter "R" so it reads "Marijuana Retailer (MR)."
2. Replace "RMR" with "MR" where found in the bylaw.
3. Insert a new Section 5.10.12 as follows:

**5.10.12.** Upon the adoption by Town Meeting and approval of this By-law by the Attorney General's Office, Article 5.11. Entitled "Temporary Moratorium on Recreational Marijuana Establishments" shall effectively be repealed and considered deleted from the Town of Grafton Zoning By-laws.

Based on the Board's deliberations on the merits of the proposed article, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of this article as amended above.

**Planning Board Report for Article 3: ZBL-2018-2  
To Allow Marijuana Establishments in Office Light Industrial (OLI) and Industrial (I) Districts by  
Special Permit**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 3.2.3.1 Use Regulation Table. Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

The purpose of the article is to permit Craft Marijuana Cultivator Cooperative, Independent Testing Laboratory, Marijuana Cultivator, Marijuana Product Manufacturer, and Marijuana Retailer as special permit uses within the Office Light Industrial (OLI) and Industrial (I) Districts.

Joseph Laydon, Town Planner reviewed the location of OLI and I Districts. He identified within the two districts where the 500-foot buffer requirements within Article 2 would impact the available locations for Marijuana Retailers. He stated that the map was for planning purposes only as a final determination of locations would be determined by the Zoning Compliance Officer.

Eric Swenson, 59 Depot Street asked why four separate districts were being proposed for Marijuana Retailers. Mr. Laydon stated that during joint sessions with the Planning Board and Board of Selectmen, there was disagreement on whether to permit the use within one or two districts or within all commercial districts in town. The Planning Board decided to submit individual articles for the various commercial districts in order to ensure passage within at least one district. Mr. Swenson stated he supported efforts to expand business in town and to increase revenue.

Daniel Cushner, 6 Lordvale Blvd asked what happens if the zoning bylaw article fails. Mr. Robbins stated that the remaining zoning articles would be passed over. Mr. Hassinger stated if the bylaw fails then there are no regulations in place and marijuana retailers could be located similarly to any retail establishment within town.

Matthew Often, 79 Old Westboro Road asked whether the Planning Board had contacted anyone in Colorado or other states where marijuana is legal to learn about their experiences. Mr. Laydon stated that he did not contact any resources outside of Massachusetts and had drafted a bylaw that is aligned with Massachusetts laws regarding marijuana and experiences in other communities. Mr. Hassinger stated he observed recreational marijuana facilities on a recent trip to the western United States.

Mr. Often asked about the article restricting the number of establishments in town. Mr. Hassinger stated the article, being proposed by the Board of Selectmen, is a general bylaw amendment thus requiring a simple majority. In joint meetings with the Board of Selectmen, it was stated the number can be revised as Grafton grows in experience and based on demand.

On January 30, 2018, the Board met to deliberate on the draft Planning Board Report. Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of this article.

**Planning Board Report for Article 4: ZBL-2018-3**  
**To Permit Marijuana Retailers within Community Business (CB) Districts by Special Permit**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 3.2.3.1 Use Regulation Table to add Marijuana Retailers as a special permit use to the Community Business (CB) District.

Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger.

The purpose of the article is to designate marijuana retailer as a special permit use within the Community Business District. Mr. Hassinger stated that Off-site Medical Marijuana Dispensaries are special permit uses within the Community Business Districts.

Joseph Laydon, Town Planner reviewed the location of Community Business Districts within the Town. He identified within each district where the 500 buffer requirements within Article 2 would impact the available locations for Marijuana Retailers. He stated that the map was for planning purposes only as a final determination of locations would be determined by the Zoning Compliance Officer.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted 3-1-1 **TO RECOMMEND ACCEPTANCE** of this article.

**Planning Board Report for Article 5: ZBL-2018-4**  
**To Permit Marijuana Retailers within Neighborhood Business (NB) Districts by Special Permit**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 3.2.3.1 Use Regulation Table to add Marijuana Retailers as a special permit use to the Neighborhood Business (NB) District.

Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger.

The purpose of the article is to designate marijuana retailer as a special permit use within the Neighborhood Business District. Joseph Laydon, Town Planner reviewed the location of Neighborhood Business Districts within the Town. He identified within each district where the 500-foot buffer requirements within Article 2 would impact the available locations for Marijuana Retailers. He stated that the map was for planning purposes only as a final determination of locations would be determined by the Zoning Compliance Officer.

Mr. Robbins expressed his opinion that the small-scale nature of businesses within the Neighborhood Business District may not be adequately addressed within the zoning bylaw being proposed. He said that Community Business and Neighborhood Business Districts are different

in their purpose and that the Board should take more time to consider requirements for this district. Mr. Hassinger added that medical marijuana uses were not permitted within the Neighborhood Business District.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted 4-0-1 **TO RECOMMEND AGAINST ACCEPTANCE** of this article due to additional work that would be needed on the bylaw to ensure properties in and around the Neighborhood Business Districts are not negatively impacted.

**Planning Board Report for Article 6: ZBL-2018-5  
To Permit Marijuana Retailers within Village Mixed Use Business (VMU) Districts by Special Permit**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 3.2.3.1 Use Regulation Table to add Marijuana Retailers as a special permit use to the Village Mixed Use Business (VMU) District.

Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger.

The purpose of the article is to designate marijuana retailer as a special permit use within the Village Mixed Use Business (VMU). Joseph Laydon, Town Planner reviewed the location of Neighborhood Business Districts within the Town. He identified within each district where the 500-foot buffer requirements within Article 2 would impact the available locations for Marijuana Retailers. He stated that the map was for planning purposes only as a final determination of locations would be determined by the Zoning Compliance Officer.

Mr. Robbins expressed his opinion that, similar to Neighborhood Business Districts, the small-scale nature of businesses within the Village Mixed Use District may not be adequately addressed within the zoning bylaw being proposed. He said that the Village Mixed Use District encourages a mixture of residential and commercial mixed uses and that the Board should take more time to consider requirements for this district. Mr. Hassinger added that medical marijuana uses were not permitted within the Village Mixed Use District.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted 4-0-1 **TO RECOMMEND AGAINST ACCEPTANCE** of this article due to additional work that would be needed on the bylaw to ensure properties in and around the Village Mixed Use District are not negatively impacted.



## **FINANCE COMMITTEE**

### **Town of Grafton**

30 Providence Road

Grafton, MA 01519

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### **Recommendations of the Finance Committee for the Articles prepared for the Warrant of the Special Town Meeting scheduled for Monday, February 12, 2018:**

#### **Article 1**

Finance Committee unanimously recommends passage of Article 1 as written.

This article allows the Town to receive revenue from the sale of marijuana products.

#### **Article 2**

Finance Committee unanimously recommends passage of Article 2 as written.

This article adds definitions and regulations to the Zoning Bylaw to cover recreational marijuana businesses. This article and Article 3 are required in order to have zoning for recreational marijuana in place by April 1, 2018.

#### **Article 3**

Finance Committee unanimously recommends passage of Article 3 as written.

This article amends the Zoning Bylaw use table to allow recreational marijuana businesses by Special Permit in the Industrial and Office and Light Industry zoning districts. This article and Article 2 are required in order to have zoning for recreational marijuana in place by April 1, 2018.

#### **Article 4**

Finance Committee recommends passage of Article 4 as written with a 5-4 vote.

This article further amends the Zoning Bylaw use table to allow recreational marijuana retail by Special Permit in the Community Business zoning district.

#### **Article 5**

Finance Committee opposes passage of Article 5 as written with an 8-1 vote.

This article further amends the Zoning Bylaw use table to allow recreational marijuana retail by Special Permit in the Neighborhood Business zoning district. The Planning Board does not recommend passage of this article because further consideration needs to be given to the unique characteristics of the Neighborhood Business zoning district.

#### **Article 6**

Finance Committee opposes passage of Article 6 as written with an 8-1 vote.

This article further amends the Zoning Bylaw use table to allow recreational marijuana retail by Special Permit in the Village Mixed Use zoning district. The Planning Board does not recommend passage of this article because further consideration needs to be given to the unique characteristics of the Village Mixed Use zoning district.

#### **Article 7**

Finance Committee recommends passage of Article 7 as written with a 5-4 vote.

This article adds a section to the General Bylaws to limit the number of recreational marijuana retail establishments, based on the number of liquor licenses in the Town. The limit would currently be two.